



DOCKET NO.: D0617.70012US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Aaron K. Sato et al.  
Serial No.: US 10/661,156  
Confirmation No.: 6772  
Filed: September 11, 2003  
For: KDR AND VEGF/KDR BINDING PEPTIDES AND THEIR  
USE IN DIAGNOSIS AND THERAPY  
Examiner: Anand U. Desai  
Art Unit: 1653

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 13<sup>th</sup> day of September, 2006.

Michael T. Siekman

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**MAIL STOP Amendment**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Response to Restriction Requirement
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$2160.00 is enclosed to cover the five (5) month extension of time fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Michael T. Siekman, Reg. No.: 36,276  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: D0617.70012US00

Date: September 13, 2006

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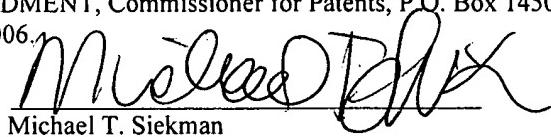
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Michael T. Siekman

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement mailed March 13, 2006, please amend the above-identified application as follows:

Remarks begin on page 2 of this amendment.

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1079200.1

**RESTRICTION REQUIREMENT RESPONSE**

Applicant hereby elects Group I, claims 1-27, 54, 76, 78 and 175, drawn to an isolated polypeptide, and drawn to a polypeptide conjugated to a detectable label of a therapeutic agent, classified in class 530, subclass 300, and class 424, subclasses 9.1, 9.3 and 174.1 for continued examination. Applicant reserves the right to pursue the non-elected claims in one or more continuation and/or divisional applications. Additionally, Applicant hereby elects the species of detectable labels for prosecution on the merits. The claims readable on the elected species include claims 15-26.

The Examiner has further requested a sequence election requesting Applicant to choose a single sequence for examination. Applicant respectfully traverse this sequence election on the grounds that the election of a single sequence for searching purposes is an unreasonable limitation placed on the Applicant. Applicant respectfully refers the Examiner to MPEP § 803.04, which states:

It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.

Applicant hereby elects the following sequences for searching purposes in accordance with MPEP § 803.04, SEQ ID NOs:304-310 and 356. If the Examiner is in disagreement and maintains the restriction requirement Applicant elects SEQ ID NO: 310 for searching purposes only as a designated subset of the sequences.

Having made this election, Applicant expressly reserves the right to file one or more divisional applications on the subject matter of the non-elected claims. Applicant requests that if a product claim is found allowable, process claims that depend from or otherwise include all the limitations of the allowable product claim to be rejoined in accordance with provisions of MPEP § 821.04 and that the rejoined process claims will be fully examined for patentability in accordance with 37 CFR § 1.104. Upon the allowance of a generic claim, Applicant requests

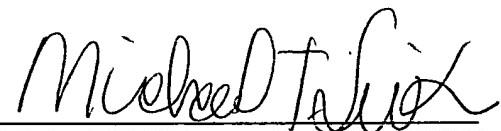
consideration of claims to additional species that are written in dependent form or otherwise include in all the limitations of an allowed generic claim as provided by 37 CFR 1.141. No new matter has been added.

No amendments, cancellations or additions have been made to the pending claims by this response. Accordingly, claims 1-27, 32, 53, 54, 76, 78, 158, 175 and 195 are pending with claims 1, 7, 10, 32, 53, 54, 76, 78, 175 and 195 being independent claims.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:

  
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